

**AGENDA:** December 7, 2004

**4.1**

**CATEGORY:** Consent

**DEPT.:** Fire

**TITLE:** Sewer Service Ordinance Amendments  
(Second Reading)

**RECOMMENDATION**

Adopt AN ORDINANCE AMENDING ARTICLE III, CHAPTER 35 OF THE MOUNTAIN VIEW CITY CODE, ENTITLED "PROVISIONS PERTAINING TO SEWER SERVICE AND SEWAGE DISPOSAL," to be read in title only, further reading waived. (First reading: 6-0, as amended at the City Council meeting of September 28, 2004 and City staff on November 2, 2004). Reintroduced November 23, 2004. (First reading: 6-0)

**FISCAL IMPACT** – None.

**BACKGROUND**

The City Council introduced amendments to Chapter 35 of the Mountain View City Code (Sewer Service Ordinance) at their September 28, 2004 meeting. Subsequently, changes were made to the proposed amendments based on Council direction and further staff review. The ordinance amendments were reintroduced pursuant to the City Charter at the November 23, 2004 meeting.

Staff is proposing amendments to Chapter 35 of the Mountain View City Code in the following areas:

<b>Pollutant Addressed</b>	<b>Proposed Ordinance Change</b>
Mercury	Requires dental offices that use mercury-containing amalgam to:  1. Institute Best Management Practices for amalgam waste; and  2. Install amalgam separator devices.  In addition, the ordinance revision clarifies the industrial mercury discharge limit and the exemption for dental facilities.
pH	Provides new conditions for pH monitoring.

<b>Pollutant Addressed</b>	<b>Proposed Ordinance Change</b>
Zinc	Provides a new zinc discharge limit for vehicle service facilities.
Storm Water Discharge	Provides legal authority to implement and enforce development control measures for new construction projects as required in the City's NPDES storm water discharge permit.
EPA Consistency	Minor wording changes required to maintain consistency with EPA requirements under 40 CFR.

These proposed amendments are shown in Attachment 1.

At the first reading on September 28, 2004, Council amended Section 35.32.12, "General Standards," by deleting the proposed Subsections (R)(4) and (R)(5) regarding exemptions for mercury amalgam separators for dentists. Section 35.32.12.3(R)(4) provided an exemption for compliance with the mercury amalgam separator requirements for certain types of existing treatment systems, and Section 35.32.12.3(R)(5) was a "grandfather" clause that exempted certain types of dental procedures from these same requirements. Both sections have been removed from the revised ordinance.

After the first reading on September 28, 2004, City staff recommended deleting some portions of Section 35.32.23, "Permanent Storm Water Pollution Prevention Measures Required." The portions deleted were similar to those already stated in the NPDES permit and the "City of Mountain View Storm Water Quality Guidelines for Development Projects" documents. Staff felt that since these two documents are incorporated into the ordinance by reference, having similar wording in these documents and the ordinance was duplicative.

## **CONCLUSION**

The proposed amendments to Chapter 35 of the Mountain View City Code will assure that:

1. Local discharge limits for sanitary sewer discharge are uniform with other cities in our service area;
2. Local discharge practices for mercury amalgam stay consistent within our service area and meet the Palo Alto RWQCP's NPDES permit conditions;

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3. Storm water sewer discharges meet the City's NPDES permit requirements for new construction projects; and
4. The City's Sewer Use Ordinance complies with all Federal requirements.

**PUBLIC NOTICING** – Agenda posting.

Prepared by:

Approved by:

Gary Leinweber  
Fire Marshal

Marc Revere  
Fire Chief

Kevin C. Duggan  
City Manager

GL/8/CAM  
151-12-07-04M^

Attachment: 1. Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 35 OF THE  
MOUNTAIN VIEW CITY CODE, ENTITLED  
"PROVISIONS PERTAINING TO SEWER SERVICE AND SEWAGE DISPOSAL"

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. Section 35.29, "Definitions," of Article III, Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. 35.29. Definitions.**

For the purpose of this article, the following words and phrases shall be defined herein. Words, terms and phrases used in this article not otherwise defined shall be as defined or interpreted as used in the Federal General Pretreatment Regulations, published at Title 40 CFR, Part 403. Terminology for analytical testing shall be that contained in "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published at Title 40 CFR, Part 136.

"Annual average" shall mean the average measured over any 12-month period of time.

"Auto body facility" shall mean a facility that performs body work and repair using body filler, primers, paints, etc. For the purposes of this article, "auto body facility" shall also include related body repair facilities such as boat body repair, airplane body repair, etc., when these same processes are used.

"Average concentration of a substance" shall mean the total daily discharge weight of the substance divided by the total daily discharge volume at the point of discharge.

"Best management practices" are cost-effective practices which comply with stormwater discharge regulations and are accepted by the City of Mountain View and the Santa Clara Valley urban runoff program for minimizing discharges of polluted water or industrial waste to the storm or sanitary sewer system, thereby protecting water quality in streams, the groundwater basin, and the bay.

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside

the wall of the building and conveys it to the building sewer, beginning two (2) feet outside the inner face of the building.

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Cesspool" shall mean a lined or partially lined underground pit into which raw sanitary sewage is discharged and which is designed to retain solids but permits liquids to seep through the bottom and sides.

"CFR" shall mean the Code of Federal Regulations.

"Collection system" means the pipes, junction boxes, channels or other conveyance apparatus used to move or convey stormwater or sewage.

"Commercial vehicle washing facility" shall mean a commercial facility where vehicle washing is a primary business activity. Commercial vehicle washing facilities shall include, but are not limited to, mobile washing rigs.

"Consistent compliance" means a person that has had no regulated materials discharged to the sanitary sewer which exceed applicable federal and local wastewater discharge limits during the reporting period.

"Constituent" means a component or part.

"Cooling system blowdown" shall mean water routinely discharged from a cooling water system to maintain efficient operation of the system.

"Cooling water" means water which is used to cool fluids or equipment in commercial or industrial processes or air-conditioning systems.

"Cooling water system" shall mean the pipes, heat exchangers and other appurtenances used to convey cooling water in cooling towers, direct contact cooling systems and similar fixed cooling systems. Multiple units of a cooling water system serving a building or piece of equipment are considered as one system if the cooling water distribution system units are physically connected.

"Cycles of concentration" means the flow rate of water added to a cooling tower water system divided by the flow rate of water discharged from a cooling system.

"Discharger" shall mean any person who discharges, causes or allows the discharge of industrial waste or polluted water into a city sewer or storm drain.

"Domestic sewage" shall mean the liquid and waterborne wastes derived from ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal without special treatment into the city's sewerage system. This shall mean waste from bathrooms, kitchens and laundry rooms.

"Domestic waste" shall mean the liquid and waterborne wastes derived from ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal without special treatment into the city's sewerage system. Domestic waste includes wastes from bathrooms, kitchen sinks and laundry rooms.

"Emergency" shall mean any situation arising from sudden and reasonably unforeseeable events beyond the control of the discharger, including acts of God which requires immediate corrective action to restore normal operation.

"EPA" shall mean the United States Environmental Protection Agency.

"Exceptional waste" shall mean that subset of waste that may not conform to the general standards described in Sec. 35.32.12 but does conform to the prohibitions described in Sec. 35.32.11 and all applicable federal pretreatment standards.

"Facility" means a building or buildings, appurtenant structures, and surrounding land area used by a single business entity at a single location or site.

"Fire chief" means the fire chief of the fire department of the City of Mountain View or his administrative authority.

"Food service facility" shall mean any commercial or industrial facility that prepares food for the public or for institutional patrons, and uses or generates grease when preparing this food. "Food service facility" does not include any facility that does not use or generate grease in cooking or preparing food, such as a facility that prepares food for off-site cooking and consumption.

"Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Grease" shall mean, and shall include, fats, oils, waxes, ether-soluble material or other related constituents. Grease may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts and certain fruits. Grease may also be of mineral origin, including petroleum, kerosene, lubricating oil and road oil. Grease in the sewer system is generally present as, but need not be, a floatable solid, a liquid, a colloid, an emulsion, or in a solution.

"Grease removal device" shall mean an interceptor or other mechanical device designed, constructed and intended to remove, hold or otherwise prevent the passage of grease to the sanitary sewer.

"Ground surfaces" shall mean and shall include dirt, gravel, or other unpaved surfaces.

"Hazardous materials" shall mean any material so designated by Chapter 24 of the Mountain View City Code.

"Hazardous waste" shall mean a material designated as a hazardous waste by 40 CFR Part 261 or California Code of Regulations (CCR) Title 22, Division 4.5.

"Industrial user" shall mean any person who discharges, causes or permits the discharge of industrial wastes into a city sewer or storm drain.

"Industrial wastes" shall mean the water from any production, manufacturing or processing operation of whatever nature, including institutional and commercial operations, containing regulated materials other than domestic waste. For the purposes of this chapter, contaminated groundwater shall be included in the definition of industrial waste.

"Insignificant noncompliance" shall mean any violation of: this chapter, any compliance directive, any notice of violation, any administrative order, any hearing order or any terms and conditions of the discharger's permit, that does not meet the definition of "significant noncompliance."

"Instantaneous maximum" shall mean the highest concentration or other measure of pollutant magnitude taken at any discrete point in times.

"Instantaneous minimum" shall mean the lowest concentration or other measure of pollutant magnitude taken at any discrete point in time.

"Interceptor" shall mean a receptacle or trap designed and constructed to intercept, separate and prevent the passage of prohibited substances into the sewer system.

"Interference" shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the plant, its treatment processes, or operations, or its sludge processes, use or disposal.

"Loading dock" shall mean that area of a facility where loading and unloading of trucks would take place, plus an additional radius of ten (10) feet.

"Machine shop" means a fixed facility which cuts, grinds, polishes, deburs or machines metal parts but does not conduct metal finishing as that term is defined by the EPA in 40 CFR, Part 433.

"Metal fabrication facility" means a fixed facility that forms, welds and assembles metal pieces, but does not conduct metal finishing as that term is defined by the EPA in 40 CFR, Part 433.

"National pretreatment standard" or "pretreatment standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Water Pollution Control Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Section 403.5, 40 CFR.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New sources" shall mean a facility from which there is or may be a discharge of pollutants, construction of which began after the publication of a proposed pretreatment standard pursuant to Section 307(c) of the Clean Water Act, that will apply to the facility if the standards are promulgated, provided certain location and construction criteria are met. Such location and construction criteria are defined in 40 Code of Federal Regulations 403.3(k).

"Noncategorical" shall mean any person who is not subject to EPA categorical regulations or standards but who is subject to the prohibitions and limitations specified in this chapter.

"NPDES" shall mean national pollution discharge elimination system.

"Nuisance" shall mean damage to the community resulting from prohibited practices in the disposal of sewage or industrial wastes.

"On a compliance schedule" means a person that has been placed on a compliance schedule as a result of an administrative hearing or compliance directive and is in compliance with that schedule.

"Once-through cooling system" shall mean a cooling system through which water passes only once before discharge to a drain, including laboratory benchtop cooling systems.

"Organic solvent" shall mean any solvent which contains carbon in its molecular structure.



"Pass-through" shall mean a discharge which exits the Palo Alto treatment plants into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" shall mean any individual, partnership, firm, association, corporation, organization or public agency.

"Photographic materials processing" shall mean developing silver-bearing film, including, but not limited to, X-ray film and photographic paper.

"Photoprocessing washwater" shall mean water that has been used to wash or rinse fix or bleach fix from photographic film or paper.

"Photoprocessor" shall mean any person who engages in photographic materials processing.

"Plant" shall mean the, City of Palo Alto regional water quality control plant.

"Point of discharge" shall mean the point(s) designated as such in the industrial waste discharge permit. Where no designation is made, it shall mean the point where the private sewer joins a public sewer.

"Polluted water" means water to which any constituent has been added either intentionally or accidentally that would render such water unacceptable for disposal to storm or native drainage or directly to surface waters as described in Section 35.31.3.3.

"Premises" as used herein shall refer to and include a lot, parcel of land, building or establishment.

"Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

"Pretreatment system" shall mean a treatment system at an industrial or commercial facility that is designed to treat wastewater prior to entering the sewer collection system.

"Private sewer" shall mean a sewer privately owned and not directly controlled by public authority.

"Public sewer" shall mean a sewer which is controlled by public authority.

"Public works director" shall mean the director of the public works department of the City of Mountain View or his administrative authority.

"Regulated materials" are those materials for which discharge standards have been established in Section 35.32.12 of Chapter 35 of the MVCC.

"Sampling location" shall mean an access box, valve, spigot or similar structure from which samples representative of an industrial wastewater discharge from a particular process or processes, piece of equipment, activity, building or facility are collected.

"Sanitary sewage" or "sewage" shall mean water-carried wastes from residences, business property, institutions and industrial property excluding ground, surface, stormwaters and industrial wastes.

"Secondary containment" shall have the same meaning as is specified in the Hazardous Materials Ordinance (Chapter 24 of the Mountain View City Code).

"Seepage pit" shall mean a device comprised of one (1) or more pits extending into porous strata, lined with open-jointed masonry or similar walls, capped and provided with a means of access such as a manhole cover, and into which wastewater disposal system effluent is discharged.

"Septic tank" shall mean a watertight receptacle into which raw sanitary sewage is discharged and which is designed to retain solids, to digest organic matter and to allow the liquid effluent to discharge into the soil through a system of open joint piping or a seepage pit meeting the requirements set forth in the Uniform Plumbing Code (latest edition).

"Sewage" shall mean industrial wastes, sanitary sewage or any combination thereof.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sanitary sewage and industrial wastes.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer system" or "sewer collection system" shall mean all sewers, pumping stations, treatment plants and other facilities owned or operated by the City of Mountain View and used for carrying, collecting, treating and disposing of sanitary sewage and industrial wastes.

"Shall, may." Shall is mandatory. May is permissive.

"Significant industrial user" shall mean any person subject to EPA categorical regulations, any discharger with a wastewater discharge greater than twenty-five thousand (25,000) gallons/day, or any person with the potential to discharge pollutants with deleterious effects on the regional water quality control plant.

"Significant noncompliance" shall mean any violation by an industrial discharger of one or more criteria set forth in 40 CFR 403.8(f) (viii).

"Simple payback period" means the number of years required to allow the dollar value of an investment in water pollution control to be exceeded by cost savings resulting from the investment.

"Slug" shall mean any nonroutine discharge that violates any of the specific prohibitions listed in 40 CFR 403.5(b) or Section 35.32.6.2 of this Article.

"Spent photoprocessing solution regeneration" shall mean the treatment of photoprocessing washwater, fix or bleach fix for reuse.

"Spent solutions" shall mean waste or spent photoprocessing fixer, bleach fix, stabilizer from washless systems, silver-bearing cleaning solutions and functionally similar solutions other than photoprocessing washwater.

"Status unknown" means a circumstance where samples were scheduled to be taken by the regional water quality control plant and were not, samples were taken but not yet analyzed by the report due date, or where a new discharger has yet to be sampled.

"Storm sewer" or "storm drain system" shall mean a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and prohibited industrial wastes.

"Stormwater" shall mean the flow in sewers resulting from rainwater.

"Threatened discharge" is a condition creating a substantial probability of harm when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources. Domestic sewage, sanitary sewage, industrial wastes and polluted waters that are no longer contained within their primary containment are considered to be threatened discharges unless they are actively being cleaned up.

"Unpolluted water" shall mean water to which no constituent has been added, either intentionally or accidentally, that would render such water unacceptable for disposal to storm or natural drainages or directly to surface waters.

"Upset" means an exceptional incident in which there is temporary noncompliance with effluent permit discharge limitations because of factors beyond the reasonable control of the regional water quality control plant.

"Urban Runoff program" means the program monitored and enforced by the City of Mountain View to control unauthorized discharge of polluted water to the storm drain native drainage, or directly to surface waters as described in Section 35.31.3.3.

"Vehicle" shall mean a mode of transporting people or things. Vehicles shall include, but are not limited to, automobiles, trucks, recreational vehicles, tractors, airplanes and boats.

"Vehicle fluid" shall mean a liquid used in or drained from a motor vehicle. Vehicle fluids shall include, but are not limited to, gasoline, diesel fuel, motor oil, brake fluid radiator fluid, hydraulic fluid, transmission fluid, and coolant.

"Vehicle service facility" shall mean a commercial or industrial facility that conducts one (1) or more of the following operations with respect to vehicles or components of vehicles: vehicle repair, fuel dispensing, vehicle fluid replacement, engine or engine parts cleaning, body repair, vehicle salvage, wrecking, vehicle washing, vehicle rinsing and auto detailing.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Wet sanding" means the use of water and sandpaper for the removal of paint."

Section 2. Section 35.32.6, "Reporting Requirements for All Permitted Dischargers," of Article III, Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. 35.32.6. Reporting requirements for all permitted dischargers.**

35.32.6.1. Periodic Reports. All permit holders shall be required to submit periodic reports to the fire chief or his designee as described in this section. Additional specific reporting requirements may be specified in the discharge permit, in compliance directives, in notices of violation, in administrative orders or in hearing orders:

(1) Baseline Monitoring Report (BMR). This report shall be required from all significant industrial users and may be required from permit applicants as determined by the fire chief or his designee prior to issuance of a new or amended permit to the applicant. The report shall document the concentration of regulated materials proposed to be discharged to the sanitary sewer through submittal of chemical analysis of the process wastewater discharge(s). The results of these analyses, in addition to the applicant's hazardous materials inventory; shall serve as the basis for the specific requirements of the discharger self-monitoring program. All wastewater samples shall be collected, preserved, and analyzed in accordance with specifications established by the city and 40 CFR 136. The BMR shall meet all requirements specified in 40 CFR Section 403.12(b) and include the certification statement in 40 CFR Section 403.6(a)(2)(ii).

(2) Compliance Report. This report is described in Section 35.32.6.2, below.

(3) Periodic Report of Continued Compliance (PRCC), which all regulated dischargers shall be required to submit at least annually. Significant industrial users shall be required to submit semiannually in accordance with federal regulations. These reports shall: (a) indicate whether applicable pretreatment standards and/or local discharge standards have been met during the reporting period; (b) document the sampling and analysis performed pursuant to the discharger self-monitoring program as described in Section 35.32.13; (c) contain the measured or estimated average and maximum daily discharge flows for the reporting period; and (d) certify that the waste discharged during the reporting period did not constitute a hazardous waste. Significant industrial users shall meet all federal reporting requirements as specified in 40 CFR Section 403.12(e) and include the certification statement in 40 CFR Section 403.6(a)(2)(ii).

(4) Toxic Organic Management Plan (TOMP). This report shall specify: (a) the toxic organic compounds used; (b) the method of disposal used instead of dumping such as reclamation, contract hauling, or incineration; and (c) procedures for ensuring that toxic organics do not routinely spill or leak into the wastewater.

(5) Waste Minimization Studies. Dischargers shall complete a waste minimization study in accordance with guidelines published by the fire chief or his designee if so requested. The discharger shall certify that measures have been taken to minimize toxic constituents in the discharge.

(6) Slug Control Plan. Significant industrial users shall complete a slug control program in accordance with guidelines published by the fire chief or his designee if so requested.

(7) Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards shall submit a report containing 40 CFR Section 403.6(a)(2)(ii).

#### 35.32.6.2. Noncompliance and Increased Loading Reporting.

(A) Noncompliance with the provisions of this article shall be reported verbally to the city of Mountain View's fire and environmental protection division as soon as possible but no later than twenty-four (24) hours of the discharger's knowledge of the noncompliance. If an accidental discharge, slug discharge or upset or failure of the pretreatment system occurs, verbal notification shall be made within fifteen (15) minutes of the discharger's knowledge of the condition. The discharger shall also repeat the sampling and analysis and submit the results to the fire chief or his designee within thirty (30) days of becoming aware of the violation. A written report referred to as a "compliance report" shall be submitted to the fire chief or his designee within fifteen (15) working days explaining the cause, nature, volume, duration of the noncompliance, and mitigation measures taken to correct the noncompliance and to prevent reoccurrence.

(B) The reporting requirements of paragraph (A) above shall also apply to: any short-term, large or unusual increase in flow or concentration of waste constituents regardless of whether noncompliance has resulted; any slug discharge; and discharge of any hazardous waste. Notices shall be posted in process areas (or other equally effective notification procedures used) giving instruction on reporting such increases.

(C) For discharges of hazardous waste, the discharger shall also notify the plant, the EPA regional waste management division director, and California EPA as required in 40 CFR Section 403.12(p).

35.32.6.3. Compliance with the reporting requirements listed in this section shall not relieve any discharger of liability for any expense, including, but not limited to,

costs for counter measures, loss or damage to the sewer system and/or treatment plant or treatment process, reimbursement for any fines imposed on the city on account thereof, or for damages incurred by any third party.

35.32.6.4. Failure to submit required reports by the specified due date shall be considered a violation of the provisions of this article."

Section 3. Section 35.32.12, "General Standards," of Article III, Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. 35.32.12. General standards.**

The following standards shall apply to all discharges to the sanitary sewer at a designated sampling location determined by the fire chief or his designee to be consistent with the dilution prohibition contained in Sec. 35.32.22:

35.32.12.1. The categorical standards located in 40 CFR Chapter I, Subchapter N, Parts 405-471 shall apply to all applicable sources. The definitions and procedures for establishing individual effluent limitations shall be as specified therein. Nothing in this article shall be construed as allowing less stringent limitations.

35.32.12.2. Local limitations shall be adopted by the fire chief based upon the prohibitions contained in Sec. 35.32.11. These limitations will be imposed on appropriate dischargers via discharge permits or modifications to existing permits.

35.32.12.3. In addition to the requirements of Sec. 35.32.12.1 and Sec. 35.32.12.2 above, the following discharge limits and/or requirements shall apply where they are more stringent. Compliance with discharge limits may be evaluated using either grab or composite samples, except where specifically identified as "instantaneous maximum" limits which shall be evaluated using grab samples only.

(A)

Parameter	Average Concentration	Maximum <u>Limits</u>	Minimum <u>Limits</u>
Oil and grease – floatable*	N/A	20 mg/L	N/A
Oil and grease – total	N/A	200 mg/L	N/A
Suspended solids	3,000 mg/L	6,000 mg/L	N/A
Total dissolved solids	5,000 mg/L	10,000 mg/L	N/A

Temperature (degrees F), <30 gpm & <30 minutes:	N/A	150°F	N/A
All other times:	N/A	120°F	N/A
Fluoride		65 mg/L	N/A
pH**		11.0	5.0

\* Gravity separation at a temperature of 20°C and a pH of 4.5.

\*\* Where pH is monitored continuously, no individual deviation from the above-listed range may exceed twenty (20) minutes in length for discharges less than ten thousand (10,000) gallons per day, nor ten (10) minutes in length for discharges greater than ten thousand (10,000) gallons per day. The total time of deviations during any seven (7) calendar day period shall not exceed a total of sixty (60) minutes. Any pH reading less than or equal to 2.0 or greater than or equal to 12.5 is prohibited.

(B) Dyes. Wastes showing excessive coloration shall not be discharged into the sanitary sewer. Excessive coloration shall be defined as any coloration in a waste stream which for any wavelength displays less than sixty percent (60%) of the light transmissibility of distilled water under the following conditions:

- (1) After filtration through a 0.45 micron membrane filter;
- (2) In the pH range of 5.0 to 11.0;
- (3) Through a one-centimeter light path;
- (4) A maximum spectrum band width of ten (10) nanometers; and
- (5) Through the wavelength range from four hundred (400) to eight hundred (800) nanometers.

(C) Explosives. No solids, liquids or gases which by themselves or by interaction with other substances may create fire or explosion hazards, including waste streams with a closed cup flashpoint of less than one hundred-forty degrees (140°) Fahrenheit, sixty degrees (60°) Celsius, shall be discharged into the sanitary sewer. Discharge of any explosive substances shall be unlawful. Flammable substances including, but not limited to, acetone, alcohols, benzene, gasoline, xylene, hexane and naphtha, shall not be discharged into the sanitary sewer, except where present in contaminated groundwater being discharged under discharge permit issued by the city. Where groundwater discharges contain such contaminants, the discharger shall monitor the sewer atmosphere for explosivity and flammability using a properly calibrated meter designed for the purpose. The frequency of such monitoring shall be defined in the permit. Whenever ten percent (10%) of a lower explosive level is threatened to be exceeded, the discharger shall immediately cease discharge and verbally notify the city



of the potential hazard in the sanitary sewer within fifteen (15) minutes of making the determination of threatened explosivity. The discharger shall then follow the verbal notification with a written explanation of the cause of the explosive hazard within fifteen (15) working days, with corrective actions taken to alleviate the situation and measures taken to prevent a reoccurrence. The discharger shall not recommence discharging into the sanitary sewer without prior written approval from the fire chief or his designee. Where flammable substances are used in processes, separate collection and disposal outside the sewer system shall be provided.

(D) Grease and Oil. Grease and/or oil shall not be discharged into the sewer system if the concentration of floatable oil and/or grease (defined as that which is subject to gravity separation at a temperature of twenty degrees (20°) Celsius and pH of 4.5) exceeds twenty (20) mg/L or the total oil and/or grease concentration exceeds two hundred (200) mg/b. In addition, the discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through, as defined by EPA regulations, shall be prohibited.

(E) Hazardous, Noxious or Malodorous Substances. No industrial wastes shall be discharged which alone or in combination with other wastes may create a public nuisance, hazard, or make human entry into the sewers abnormally hazardous, or which constitutes a discharge of hazardous or other regulated materials as defined in Chapter 24 of the Mountain View City Code or Title 22, Part II of the California Code of Regulations, or statutes of the United States Government.

(1) Dischargers shall be required to certify that their discharged waste does not constitute a hazardous waste as defined by EPA regulations, and that during the PRCC reporting period no discharge of hazardous substances or waste has occurred. Dischargers shall be required, as a condition of permission to discharge to the sanitary sewer, to file with the Mountain View fire department a current hazardous materials management plan (HMMP) pursuant to Chapter 24 of the Mountain View City Code, and to have on-site copies of material safety data sheets (MSDS) for all hazardous materials stored, generated or used at the discharger's site. Should a discharge of a hazardous waste occur, the discharger shall verbally notify the EPA, the State of California Regional Water Quality Control Board for the San Francisco Bay Area, the regional water quality control plant and the fire chief as soon as possible, but in no event later than twenty-four (24) hours after such discharge.

(2) Mercaptans and dissolved sulfides shall not be discharged in concentrations exceeding 0.1 mg./liter.

(F) Organic Solvents. Except as permitted by other sections of this chapter, the city sanitary and/or storm sewer shall not be used as a means of disposal for organic solvents. Dischargers having organic solvents on site, or using same, shall provide and

use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer. Wastewater discharged to the sewer shall not contain a sum total greater than one thousand (1,000) milligrams per liter of acetone, ethanol, methanol, and isopropyl alcohol. For the purposes of this chapter, organic solvents shall include dry cleaning "separator water" when the dry cleaner uses organic solvents in the cleaning process.

(G) Total Toxic Organics. Total toxic organics (TTO) shall be defined as the sum of all quantifiable values greater than 0.01 mg/L from the list of toxic organic pollutants contained in 40 CFR (Part 403 through Part 699), or in the discharger's industrial waste permit, or identified by the city. The city may allow the discharger to analyze only for those specific TTO pollutants which would reasonably be expected to be present and specify these pollutants in the discharger's industrial wastewater permit. The sum of the TTO discharged shall be no greater than 1.0 mg/L. No individual toxic organic compound, with the exception of phenol (see Sec. 35.32.12.3(1)(3)), shall exceed 0.75 mg/L.

The city is authorized to modify or waive a discharger's sampling requirements for TTO. To request a waiver, a discharger must submit a current toxic organic management plan (TOMP) to the city. The sampling requirements may be modified or waived if the city determines that the TOMP provides sufficient protection. After the approval of the waiver, the discharger must submit, as part of his/her PRCC submittal, a TTO certification. The TTO certification must include the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for TTO, I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filling the last periodic report of continuous compliance (PRCC). I further certify that this facility is implementing the toxic organic management plan (TOMP) that was submitted to the city."

The TTO certification must be signed by the owner or a duly authorized representative of the company who has personal knowledge that the person or persons directly responsible for managing compliance pursuant to this requirement are properly qualified and are performing the compliance in conformance with this chapter and 40 CFR.

(H) Radioactivity. The discharge of radioactive wastes into the sewer system shall conform to the requirements of California Radiation Control Regulations, Title 17, California Code of Regulations, Chapter 5, Subchapter 4, or as subsequently amended.

(I) Solids. No material shall be discharged to the sanitary sewer that will obstruct or damage the collection system, treatment system or appurtenances. Specific prohibitions are as follows:

(1) Inert Solids. The discharge of inert solids including, but not limited to, sand, glass, metal chips, bone, plastic, etc., into the sewer is prohibited. Settling chambers or treatment works shall be installed where necessary to prevent the entry of inert solids into the sewer system.

(2) Solid Particles. The discharge of industrial wastes containing particulate matter which will not pass through a one-half (1/2) inch screen into the sewer is prohibited. This subsection shall not apply to sanitary sewage from industrial establishments.

(J) Stored Liquid Wastes. Liquid aqueous-based wastes that have been collected and held in tanks or containers shall not be discharged into the sewer system except at locations authorized by the fire chief or his designee to discharge such wastes. Wastes of this category include, but are not limited to, the following:

- (1) Septic tank pumpings;
- (2) Chemical toilet wastes;
- (3) Trailer, camper, housecar or other recreation vehicle wastes;
- (4) Pleasure boat wastes; or
- (5) Industrial wastes collected in containers or tanks.

(K) Toxicity. The following is a nonexclusive list of toxic substances and the maximum discharge concentration allowed for each for discharge of fifty thousand (50,000) gallons per day or less into the sewer system. Toxic discharges include, but are not limited to, heavy metals, cyanides, phenols, bactericides, antibiotics and insecticides:

(1) For discharges greater than fifty thousand (50,000) gallons per day through any single sampling location, the maximum discharge concentration allowed for that location shall be one-half (1/2) the values listed in the following table, with the exception of silver, mercury and nickel for which the maximum discharge concentrations allowed shall remain as listed regardless of flow.

(2)

<b>Toxicant Discharge Concentration Allowable</b>	<b>Maximum Limit</b>
Arsenic	0.1 mg/L
Barium	5.0 mg/L
Beryllium	0.75 mg/L
Boron	1.0 mg/L
Cadmium	0.1 mg/L
Chromium, hexavalent	1.0 mg/L
Chromium, total	2.0 mg/L
Cobalt	1.0 mg/L
Copper <sup>(2)</sup>	2.0 mg/L
Cyanides	1.0 mg/L
Formaldehyde	5.0 mg/L
Lead	0.5 mg/L
Manganese	1.0 mg/L
Mercury <sup>(3)</sup>	0.01 mg/L
Methyl Tertiary Butyl Ether (MTBE)	0.75 mg/L
Nickel	0.5 mg/L
Phenols	1.0 mg/L
Selenium	1.0 mg/L
Silver (non-photo processing waste discharge only)	0.25 mg/L
Silver <sup>(1)</sup> (photo processing waste discharge only)	0.5 mg/L
Zinc <sup>(4)</sup>	2.0 mg/L

(1) This discharge concentration may be modified for specific discharge circumstances. See Sec. 35.32.12.3(N).

(2) See Section 35.32.12.3(O) for additional specific copper discharge limits.

(3) Dental facilities using mercury-containing amalgam shall not exceed a discharge limit of 0.05 mg/L.

(4) The maximum allowable discharge concentration of zinc for vehicle service facilities shall be 4.0 mg/L.

(L) Unpolluted Water. Unpolluted water shall not be discharged through any direct or indirect connection to the city sanitary sewer unless such discharge is approved by the fire chief and city engineer. A permit for such discharge shall be required by the fire chief or his designee. Such discharge shall meet all requirement in this chapter.

(M) Copper-Based Root-Control Chemicals. No person shall discharge, dispose of or add to the sanitary sewer collection system, to control roots or for any other purpose, any substance containing greater than five percent (5%) copper by weight.

(N) Photo Processing Solutions. All photo processing spent solution wastes, spent photo processing solutions and photo processing wash and/or rinse water discharged into the sanitary sewer shall comply with the maximum discharge concentration allowable for silver. Silver removal from photo processing wash and/or rinse water shall be conducted in a manner that does not reduce the effectiveness of the treatment of spent photo processing solutions. All dischargers of photo processing silver bearing wastes, spent photo processing solutions and photo processing wash and/or rinse water shall be categorized as photo processors.

(1) All dischargers categorized as photo processors shall choose and comply with either subsection (a) or (b) below:

(a) The maximum allowable concentration of silver that can be discharged into the sanitary sewer shall be 0.5 milligram per liter of discharge for all dischargers that are:

(i) Categorized as photo processors, and

(ii) Install and/or operate on the spent solution waste stream, upstream of any point of dilution, a silver removal facility, interceptor or silver treatment plant specifically designed to remove or treat silver in a manner which shall ensure consistent compliance with this article;

(b) The maximum allowable concentration of silver that can be discharged into the sanitary sewer shall be 1.0 milligram per liter of discharge for all dischargers that:

(i) Are categorized as photo processors, and

(ii) Choose to install and/or operate as the silver removal facility, interceptor or silver treatment plant one (1) or more of the following:

(I) Washless minilab equipment that does not discharge photo processing wastewater, or

(II) A water recirculating system that reduces photo processing wastewater consumption by a minimum of sixty percent (60%). This reduction shall be based on manufacturer's minimum recommended wastewater rates,

and achievement of such reduction shall be documented by the photo processor to the satisfaction of the fire chief or his designee.

(2) Off-Site Disposal. All photo processors who choose not to install and/or operate a silver removal facility, interceptor or silver treatment plant shall transport all spent photo processing solutions off site for recovery or appropriate disposal, or shall regenerate all spent photo processing solutions on site. Documentation, storage, shipment and disposal shall be in accordance with all federal, state and local regulations and requirements.

(O) Copper Limitations for Industrial Waste.

(1) The maximum copper concentration in industrial waste discharges to the sewer shall not exceed 2.0 mg/L for the following noncategorical facilities:

- (a) Facilities whose primary business activity is vehicle service;
- (b) Facilities whose primary business activity is photoprocessing;
- (c) Facilities whose primary business activity is machining parts;
- (d) Facilities whose primary business activity is metal fabrication.

(2) No later than July 1, 1996, industrial waste discharges to the sewer from metal finishing facilities, as defined by the EPA in 40 CFR, Part 433, shall meet either (a) or (b) of this subsection. These requirements shall apply to process wastes containing copper or nickel prior to dilution by nonmetal finishing process wastes, domestic waste and cooling water:

(a) The annual average copper concentration shall not exceed 0.4 mg/L. In addition, all reasonable control measures specified in accordance with standards published by the fire chief or his designee shall be installed and implemented; or

(b) The annual average pounds/day (mass) of copper shall not exceed an amount specified by the fire chief or his designee in the industrial wastewater discharge permit, which is based upon a pollution prevention review conducted by the city. The limitation shall be based upon those control measures having a simple payback period of five (5) years or less.

The annual average pounds per day (mass) shall be calculated by multiplying the flow-weighted average copper concentration for all samples taken during any twelve (12) month period by the total flow for that twelve (12) month period. The annual average pounds per day limit may be increased by the fire chief or his designee in proportion to increases in production at the facility if within the growth allocation specified in the City of Palo Alto's April 1994 "Proposed Local Limits Report."

(3) As of July 1, 1998, the maximum copper concentration in industrial waste discharges to the sewer other than those facilities described by subsections (1) and (2) above shall not exceed 0.25 mg/L.

(P) Additives in Cooling Systems, Pools, Spas and Fountains.

(1) No person shall discharge or add to the sewer or storm drain, or add to a cooling system, pool, spa or fountain, an additive which contains any of the following:

- (a) Copper in excess of 2.0 mg/L;
- (b) Tributyl tin in excess of 0.1 mg/L; or
- (c) Chromium in excess of 2.0 mg/L.

The above concentration limits shall apply to the additive prior to addition to the system.

(2) As of July 1, 1998, existing cooling system discharges exceeding a daily average flow of two thousand (2,000) gallons shall not exceed a maximum copper concentration of 0.25 mg/liter. For the purpose of this section, the daily average flow shall be determined by dividing the total cooling system blowdown volume from April through October by the number of days of operation for the same period. The fire chief or his designee may impose an alternative requirement to this maximum copper concentration when the cycles of concentrations routinely exceed ten (10). The alternative requirement may consist of an alternative maximum copper concentration, mass limit, a specified maintenance program or a combination of these.

Cooling system discharge operations commencing on or after July 1, 1997 shall not be required to comply with these maximum copper concentrations until one (1) year after the date of such commencement.

(3) Wastewater from cooling system, boiler, heat exchanger and associated pipe cleaning where a chemical cleaner or physical scouring is used shall be sampled prior to discharge to the sewer to ensure compliance with the maximum concentration limits specified in Sec. 35.32.12.3(K). For purposes of this section, "physical scouring" does not include the use of water at typical water supply pressure, and "associated piping" means piping associated with a heating or cooling system through which water or another heat transfer fluid recirculates during operation of the system. The wastewater shall be analyzed for copper and any other constituents specified by the fire chief or his designee. The results of such analysis shall be reviewed by the cooling system operator prior to discharge. Nonemergency discharges from once-through cooling systems using potable water as a coolant shall not be discharged to the sanitary

sewer, except for once-through cooling water used for benchtop reflux or distillation, or other similar activities, and for short-term use as approved by the chief or his designee.

(Q) Zinc-Containing Floor Finishes. No person shall discharge or dispose to the sanitary sewer any zinc-containing floor finish or stripper solution that has been used for the stripping of a zinc-containing floor finish, except when such solutions have been treated in a wastewater treatment unit approved by the chief or his designee for removal of zinc. For the purposes of this section, zinc-containing floor finishes shall be defined as floor finish solutions containing greater than one-hundredth of one percent (0.01%) zinc by weight.

(R) Requirements for Dental Facilities that Remove or Place Amalgam Fillings.

(1) Definitions. For the purposes of this section, the following words and phrases shall be as defined herein.

(a) "Amalgam separator" is a device that employs filtration, settlement, centrifugation or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(b) "Amalgam waste" means and includes noncontact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(c) "ISO 11143" is the International Organization for Standardization's standard for amalgam separators.

(2) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(a) No person shall rinse chairside traps, vacuum screens or amalgam separator equipment in a sink or other connection to the sanitary sewer.

(b) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that shall be available for inspection by the fire chief or his designee during normal business hours.

(c) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.



(d) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(e) The use of bulk mercury is prohibited. Only preencapsulated dental amalgam is permitted.

(3) All owners and operators of dental vacuum suction systems shall comply with the following:

(a) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before March 31, 2005; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance, shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of ninety-five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a noncertified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the fire chief or his designee for approval.

(b) Proof of certification and installation records shall be submitted to the fire chief or his designee within thirty (30) days of installation.

(c) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification and maintenance records shall be available for immediate inspection upon request by the fire chief or his designee during normal business hours."

Section 4. Section 35.32.15, "Enforcement," of Article III, Chapter 35 of the Mountain View City Code is hereby amended to read as follows:

**"SEC. 35.32.15. Enforcement.**

35.32.15.1. Criminal Penalties. As provided in Sec. 520 of the Mountain View City Charter, any person who intentionally or negligently violates any provision of this article or any provision of any permit issued pursuant to this article shall be subject to criminal penalties as set forth in the Mountain View City Code, Section 1.7 of at least one thousand dollars (\$1,000) per day per violation of the city's industrial waste ordinance. Violation of this article may also contravene federal or state law.

35.32.15.2. Civil Penalties. The city may petition the superior court to impose civil penalties in the amount of at least one thousand dollars (\$1,000) and not to exceed twenty-five thousand dollars (\$25,000) per day per violation for violations of the city's Industrial Waste Ordinance. In determining the amount of the penalty, the court must consider all relevant circumstances, including but not limited to the extent of harm caused by the violation, the economic benefit derived through noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and any corrective action taken or attempted by the discharger.

Distribution of Penalties to City. All of the proceeds of these penalties must be distributed to the city by the court.

35.32.15.3. Notice of Violation. Unless the fire chief or his designee finds that the severity of the violation warrants immediate action permit revocation or suspension, he may issue a notice of violation which:

- (1) Enumerates the violations found;
- (2) Orders compliance by a date certain; and
- (3) May require additional sample collection and analysis to demonstrate that compliance has been achieved.

(A) If the violations are not abated in the time period identified, or any terms or conditions of the notice of violation are not met, further action may be taken by the fire chief or his designee, including, but not limited to, suspension, revocation or modification of the discharger's permit, requesting a hearing with the discharger or filing an administrative complaint against the discharger.

#### 35.32.15.4. Administrative Penalties.

(A) Administrative Complaint. The city may serve an administrative complaint on any person who has allegedly violated this article. The complaint must state: (1) the act or failure that constitutes the violation; (2) the provision of law authorizing civil liability to be imposed; (3) the proposed civil penalty; (4) that a hearing on the complaint shall be conducted by the city within sixty (60) days, unless the person charged with the violation waives his/her right to a hearing. The administrative complaint may be served on the person charged with the violation(s) in person or by certified mail.

(B) Hearing and Administrative Decision. Unless the person charged with the violation(s) waives his/her right to a hearing, a city official designated by the council

must conduct the hearing on the violation within sixty (60) days of the complaint. If the city's hearing officer finds that a violation has occurred, he/she may assess administrative penalties in an amount which does not exceed:

(1) Two thousand dollars (\$2,000) per day for failing or refusing to furnish technical or monitoring reports;

(2) Three thousand dollars (\$3,000) per day for failing or refusing to timely comply with any compliance schedule established by the city;

(3) Three thousand dollars (\$3,000) per day per violation for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued or adopted by the city;

(4) Ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or any prohibition issued, reissued or adopted by city.

In determining the amount of the penalty to be imposed, the city's hearing officer must consider all of the relevant circumstances, including but not limited to: (1) the extent of harm caused by the violation; (2) the economic benefit derived through any noncompliance; (3) the nature and persistence of the violation; (4) the length of time over which the violation occurred; and (5) any corrective action taken or attempted by the discharger.

(C) Right to Appeal to Council. The person against whom penalties are assessed has the right to file a written request with the city clerk to appeal the decision of the hearing officer to the council within thirty (30) days of the decision. The council shall hear the appeal within sixty (60) days of the request for an appeal hearing.

(D) Payment of Penalties. Unless there is an appeal, penalties must be paid to the city within thirty (30) days of the hearing officer's decision and order imposing penalties. The city must serve the order on the person ordered to pay the penalties in person or by registered mail.

(E) Collection of Delinquent Penalties. The amount of any penalties which remain unpaid after sixty (60) days becomes a lien on the real property of the discharger from which the discharge resulting in the violations was made. If the lien is recorded with the county recorder, the lien has the same force, effect and priority as a judgment lien for ten (10) years. The lien may be renewed according to certain procedures set forth in state law. If the lien is not recorded, it is not enforceable.

(F) Use of Funds Derived from Penalties. All penalties collected must be deposited in a special account of the city to be used for monitoring, treatment and control of discharges into the city's sanitation or sewer system or other mitigation measures.

(G) City Must Choose Between Administrative and Civil Penalties. If the city chooses to impose an administrative penalty under this law, it cannot also seek to impose a civil penalty through court action for the same violations(s).

35.32.15.5. Violations Due to Emergencies. When an emergency causes a violation of this article or any permit, notice of violation, compliance directive, administrative order, or hearing order, such emergency may be used as a defense in any enforcement action. Such emergency defense shall not, however, include noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. In determining whether the imposition of penalties for the violation is appropriate, the hearing officer shall consider all the circumstances causing the violation including the emergency; and the emergency shall excuse the violation only if the hearing officer concludes that the discharger acted reasonably under all of the circumstances and could not reasonably be expected to have avoided the violation due to the emergency.

35.32.15.6. City Right to Terminate Discharge. The city reserves the right to terminate sewer service for noncompliance with the provisions of this article which reasonably appear to present an imminent endangerment to the health, safety and welfare of persons. The discharger shall immediately cease discharge of any wastes presenting such a hazard upon verbal and/or written notice of the fire chief or his designee or his designated representative. Such termination shall be effective immediately, but shall be reviewable pursuant to the hearing process provided in Sec. 35.32.5."

Section 5. Section 35.32.23, "Permanent Storm Water Pollution Prevention Measures Required," of Article III, Chapter 35 of the Mountain View City Code is hereby added to read as follows:

**"SEC. 35.32.23. Permanent storm water pollution prevention measures required.**

The city requires permanent storm water pollution prevention measures for development and redevelopment projects in order to reduce water quality impacts of storm water runoff from the site for the life of the project. The types of development and redevelopment projects required to install permanent storm water pollution prevention measures are listed in the city's national pollution discharge elimination system (NPDES) permit for storm water, and the "City of Mountain View Storm Water Quality Guidelines for Development Projects." No person or persons shall develop or

redevelop property, or construct, remodel, rebuild, alter, modify or expand any structure within the City of Mountain View in any manner which fails to comply with the requirements of this chapter, the city's NPDES storm water discharge permit, and the "City of Mountain View Storm Water Quality Guidelines for Development Projects."

35.32.23.1. Permanent storm water quality pollution prevention measures shall be selected and designed to the satisfaction of the city in accordance with the guidelines contained in the most recent versions of the following documents:

- (1) City of Mountain View Storm Water Quality Guidelines for Development Projects; and
- (2) NPDES municipal storm water discharge permit issued to the city by the California Regional Water Quality Control Board, San Francisco Bay Region.

The above-listed documents, as amended from time to time, are hereby incorporated herein by reference. These documents shall be available for public review at the City of Mountain View Fire Department at 1000 Villa Street, Mountain View, California, during normal city business hours.

35.32.23.2. Applicable development projects shall submit a storm water management plan in accordance with the "City of Mountain View Storm Water Quality Guidelines for Development Projects."

35.32.23.3. Property owner(s) shall be responsible for ensuring that permanent storm water pollution prevention measures are inspected to ensure they are working properly, at least twice a year, unless otherwise directed by the city. Inspections shall occur once in the fall, prior to rainy weather conditions, and once in the winter. Written inspection records shall be maintained by the property owner and shall be submitted to the city annually.

35.32.23.4. Failure to inspect and maintain permanent storm water pollution prevention measures shall be subject to enforcement action as described in Sec. 35.32.15.

35.32.23.5. The city shall have access to all on-site permanent storm water pollution prevention measures for the purpose of inspection and repair, including the right to enter a property when the city has a reason to believe that a violation has occurred, or entry is necessary for abatement of a public nuisance or correction of a violation."

Section 6. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 8. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 23rd day of November, 2004, and will be given a second reading and presented for adoption at the Special Meeting of said City Council, to be held on the 7th day of December, 2004.

(SEAL)

PUBLISHED:\_\_\_\_\_

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ANGELITA M. SALVADOR, CITY CLERK  
CITY OF MOUNTAIN VIEW

GL/6/ORD  
151-09-28-04o-E^